

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26920 OF 2005

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Dated: 19-12-2005

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Between

B. Jagan Reddy, S/o. B. Jangh Reddy, R/o. 14-1-416/1, Aghapura, Hyderabad.

...PETITIONER

AND

The Secretary, Regional Transport Authority, West Zone, Hyderabad and another.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the second respondent in seizing his vehicle bearing Reg.No. AIK-2565 vide Check report No.2535722 dated 18.07.2005 as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is owner of the vehicle bearing No.AI-K-2565, which has been seized vide Check report No.253722 dated 18.07.2005 under Section 207 of the Motor Vehicles Act (for short 'the Act'), on the ground that the driver of the said vehicle failed to produce Finance Certificate, Driving Licence, I.D. and PUC and kept at Nagole Police Station for safe custody. As against the said seizure, the petitioner filed an application dated 03.08.2005 for release of the vehicle but the first respondent did not consider the application and did not release the vehicle and also did not contemplate the enquiry under the relevant enactments.

The vehicle of the petitioner cannot be kept in the interim custody without conducting enquiry and without disposing the application of the petitioner.

Having regard to the facts and circumstances of the case,
the respondents are directed to release the vehicle subject to the condition that the petitioner deposits a sum of Rs.5,000/- with the respondents and files an undertaking that he shall not sell or alienate or alter the nature of the vehicle and that he shall produce the vehicle before the respondents as and when required and shall abide by the order that may be passed after conducting enquiry under the Act.

The writ petition is accordingly disposed of.

V. ESWARAIAH, J

December 19, 2005

DSK